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8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF PESTICIDE REGULATION**
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation
13 Against:

14 **EAGLESHIELD PEST CONTROL, L.P.,**
15 **ET AL.**

16 **-and-**

17 **BRADLEY D. KENDRICK**
18 **158 South Jennifer Drive**
19 **Porterville, CA 93257**

20 **Field Representative's License No. FR 45047**

21 Respondent.

Case No. 2011-72

DEFAULT DECISION AND ORDER
(BRADLEY D. KENDRICK ONLY)

[Gov. Code, §11520]

22 **FINDINGS OF FACT**

23 1. On or about April 23, 2012, Complainant William H. Douglas, in his official capacity
24 as the Interim Executive Officer of the Structural Pest Control Board, filed First Amended
25 Accusation No. 2011-72 against Eagleshield Pest Control, L.P., etc. and Bradley D. Kendrick
26 (Respondent) before the Structural Pest Control Board Department of Pesticide Regulation. (First
27 Amended Accusation attached as Exhibit A¹.)

28 ¹ The specific pages of the First Amended Accusation that are relevant to Respondent
(continued...)

1 2. On or about December 22, 2009, the Structural Pest Control Board (Board) issued
2 Field Representative's License No. FR 45047 to Respondent. The Field Representative's License
3 was in full force and effect at all times relevant to the charges brought against Respondent in
4 Accusation No. 2011-72, it expired on June 30, 2012, and it has not been renewed. While the
5 license has now expired, this lapse in licensure, pursuant to Business and Professions Code
6 section 118(b), does not deprive the Board of its authority to institute or continue this disciplinary
7 proceeding.

8 3. On or about January 31, 2008, Respondent became a partner in Eaglesfield Pest
9 Control, L.P.

10 4. On or about May 10, 2012, Respondent was served by Certified Mail copies of the
11 First Amended Accusation No. 2011-72, Statement to Respondent and Request for Discovery at
12 Respondent's address of record which, pursuant to Business and Professions Code section 136, is
13 required to be reported and maintained with the Board. Respondent's address of record was and
14 is:

15 158 South Jennifer Drive
16 Porterville, CA 93257.

17 5. Service of the First Amended Accusation was effective as a matter of law under the
18 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
19 Code section 124.

20 6. On or about May 18, 2012, the aforementioned documents were returned by the U.S.
21 Postal Service marked "Forwarding Address Expired."

22 7. Government Code section 11506 states, in pertinent part:

23 (c) The respondent shall be entitled to a hearing on the merits if the respondent
24 files a notice of defense, and the notice shall be deemed a specific denial of all parts
25 of the accusation not expressly admitted. Failure to file a notice of defense shall
26 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
27 may nevertheless grant a hearing.

28 (...continued)
Bradley Kendrick are page nos. 5 and 16-17.

8. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2011-72.

9. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board offices regarding the allegations against Respondent contained in First Amended Accusation No. 2011-72, finds that the charges and allegations in First Amended Accusation No. 2011-72, are separately and severally, found to be true and correct by clear and convincing evidence.

11. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$560.00 as of May 10, 2013.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Bradley D. Kendrick has subjected his Field Representative's License No. FR 45047 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Structural Pest Control Board is authorized to revoke Respondent's Field Representative's License based upon the following violations alleged in the First Amended Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Business and Professions Code section 8610(c), failure to supervise the daily operations of the company and failing to be available to supervise and assist employees;

b. Business and Professions Code section 8639, aiding or abetting unlicensed activities by allowing applicators, who were either employees or partners, to perform activities that they were not licensed to perform;

c. Business and Professions Code section 8613, failure to properly re-register Eagleshield Pest Control, L.P. with the Board to include all its partners, branch supervisors, and/or principles within 30 days of such change;

d. Business and Professions Code section 8550(e), engaging in or offering to engage in Branch 3 pest control work without a valid license;

e. Business and Professions Code section 8612, failing to register branch offices with the Board within 30 days of operation or performing work from said addresses, as defined in California Code of Regulations, title 16, section 191;

f. California Code of Regulations, title 16, presenting false, misleading, unfair representations, or deceptive advertisements;

g. Business and Professions Code section 8639, between October 23, 2008, and February 2011, aiding or abetting unlicensed activities by allowing applicators, who were either employees or partners, to perform activities that they were not licensed to perform;

h. Business and Professions Code section 8612 and California Code of Regulations, title 16, section 1912, failure to register as a branch office with the Board within 30 days of that fact;

i. Business and Professions Code section 8649, conviction for committing crimes substantially related to the qualifications, functions, or duties of the profession of a registered applicator and field representative.

ORDER.

IT IS SO ORDERED that Field Representative's License No. FR 45047, heretofore issued to Respondent Bradley D. Kendrick, is revoked.


Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

1 This Decision shall become effective on July 26, 2013

2 It is so ORDERED June 26, 2013

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5 Attachment:
6 Exhibit A: First Amended Accusation

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9 FOR THE STRUCTURAL PEST CONTROL
10 BOARD
11 DEPARTMENT OF PESTICIDE REGULATION
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FILED

Date

By

4/23/12

William H. Douglas

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Attorneys for Complainant

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against:

EAGLESHIELD PEST CONTROL, L.P.
ROBERT JESSE FLORES, GP and QM
P.O. Box 704
Madera, CA 93639
- and -
566 Kent Drive
Madera, CA 93637
Company Registration Certificate No. PR 5706, Br. 2

ROBERT JESSE FLORES
P.O. Box 704
Madera, CA 93639
Operator's License No. OPR 11493, Br. 2

RAY GENE TEEL
15190 West C Street
Kerman, CA 93630
Operator's License No. OPR 6278, Br. 2
(Disassociated 4/25/08)

BRADLEY D. NEUFELD, Partner
319 Redbud Drive
Paradise, CA 95969
Field Representative's License No. FR 44699, Br. 2
Applicator License No. RA 44714, Br. 3

Case No. 2011-72

**FIRST AMENDED
ACCUSATION**

1 BRADLEY D. KENDRICK, Partner
2 158 South Jennifer Drive
3 Porterville, CA 93257
4 Field Representative's License No. FR 45047, Br. 2
5 Applicator License No. RA 48245

6 JONATHAN D. KENDRICK, Partner
7 576 Camelia Avenue
8 Tulare, CA 93274
9 Field Representative's License No. FR 45029, Br. 2
10 Applicator License No. RA 47150

11 LUIS HURTADO JR., Partner
12 1910 H. Street
13 Livingston, CA 95334
14 Applicator License No. RA 44711, Br. 2 and 3

15 MICHAEL DAVID KLANN, Partner
16 290 North Anderson Avenue
17 Clovis, CA 93612
18 Field Representative's License No. FR 45031, Br. 2
19 Applicator License No. RA 44704, Br. 3

20 JACOB STEVEN MIDDLETON, Partner
21 566 Kent Drive
22 Madera, CA 93637
23 Field Representative's License No. FR 45135, Br. 2
24 Applicator License No. RA 45305, Br. 3

25 JONATHAN P. BERTRAM, Partner
26 205 Beech Street, #24
27 El Cajon, CA 92020
28 Applicator License No. RA 48099, Br. 2 and 3

KEITH W. HANEY, Partner
P.O. Box 704
Madera, CA 93639
Applicator License No. RA 48304

TIMOTHY A. SHEPPARD, Partner
P.O. Box 784
Maricopa, CA 93252
Applicator License No. RA 46761

1 TROY DWAYNE SOSA, Partner
2 P.O. Box 704
3 Madera, CA 93639
4 Applicator License No. RA 44859

5 JONATHAN L. HALE, Partner
6 P.O. Box 704
7 Madera, CA 93639
8 Applicator License No. RA 47880

9 BENIGNO V. CRUZ, Partner
10 503 1/2 Josephine Avenue
11 Corcoran, CA 93212
12 (Disassociated 4/1/09)
13 Applicator License No. RA 47563

14 Respondents.

15 William H. Douglas ("Complainant") alleges:

16 PARTIES

17 1. Complainant brings this First Amended Accusation solely in his official
18 capacity as the Interim Registrar/Executive Officer of the Structural Pest Control Board
19 ("Board"), Department of Pesticide Regulation. This First Amended Accusation supersedes and
20 replaces nunc pro tunc the Accusation heretofore filed.

21 Company Registration Certificate No. PR 5706

22 2. On or about October 23, 2008, the Board issued Company Registration Certificate
23 Number PR 5706 ("registration") in Branch 2 to Eaglesfield Pest Control, L.P. ("Respondent"),
24 with Robert Jesse Flores as the General Partner and Qualifying Manager, and Bradley D. Neufeld,
25 Bradley D. Kendrick, Luis Hurtado Jr., Michael David Klann, Jacob Steven Middleton, Jonathan
26 P. Bertram, Jonathan D. Kendrick, Keith W. Haney, Timothy A. Sheppard, Troy Dwayne Sosa,
27 Jonathan L. Hale, and Benigno V. Cruz as Partners ("Partners")¹. On or about April 1, 2009,

28 ¹ On October 3, 2005, the Board issued Company Registration Certificate No. PR 4875 to
Eaglesfield with Robert Jesse Flores as the owner and Ray Gene Teel as the Qualifying Manager
for Branch 2. On November 24, 2006, Paul Begley became the Qualifying Manager in Branch 3.
On January 5, 2007, Paul Begley disassociated as the Qualifying Manager of Branch 3. On
April 25, 2008, Robert Jesse Flores became the Qualifying Manager for Branch 2. On
October 23, 2008, the registration was cancelled due to issuing Eaglesfield Company
Registration Certificate No. PR 5706, as a limited partnership.

1 Benigno V. Cruz disassociated. The registration was in full force and effect at all times relevant
2 to the charges brought herein.

3 **Operator's License No. OPR 11493 – Robert Jesse Flores**

4 3. On or about March 23, 2007, the Board issued Operator's License Number OPR
5 11493 ("license") in Branch 2 to Robert Jesse Flores ("Respondent Flores"), employee of
6 Mountain Valley Pest Control and Eagleshield Pest Control. On or about April 25, 2008,
7 Respondent Flores became the Qualifying Manager of Eagleshield Pest Control. On or about
8 October 23, 2008, Respondent Flores disassociated as the Qualifying Manager of Eagleshield
9 Pest Control and became a Partner and Qualifying Manager of Eagleshield Pest Control LP. The
10 license was in full force and effect at all times relevant to the charges brought herein and will
11 expire on June 30, 2012, unless renewed.

12 **Operator's License No. OPR 6278 – Ray Gene Teel**

13 4. On or about October 23, 1980, the Board issued Operator's License Number OPR
14 6278 (formerly OB 6278), in Branch 2 to Ray Gene Teel ("Respondent Teel"). On or about
15 October 3, 2005, Respondent Teel became the Qualifying Manager of Eagleshield Pest Control.
16 On or about April 25, 2008, Respondent Teel disassociated as the Qualifying Manager of
17 Eagleshield Pest Control. The license was in full force and effect at all times relevant to the
18 charges brought herein and will expire on June 30, 2012, unless renewed.

19 **Bradley D. Neufeld**

20 **Applicator License No. RA 44714**

21 5. On or about October 27, 2005, the Board issued Applicator License Number RA
22 44714 in Branches 2 and 3 to Bradley D. Neufeld ("Respondent B. Neufeld") as an employee of
23 Eagleshield Pest Control. On or about October 23, 2008, Respondent B. Neufeld became a
24 Partner of Eagleshield Pest Control L.P. On or about August 28, 2009, the license was
25 downgraded to Branch 3 due to the issuance of a Branch 2 Field Representative License. The
26 license was in full force and effect at all times relevant to the charges brought herein. The license
27 expired on October 27, 2011, and has not been renewed.

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1 **Field Representative's License No. FR 44699**

2 6. On or about August 28, 2009, the Board issued Field Representative's License
3 Number FR 44699 in Branch 2 to Respondent B. Neufeld as an employee of Eagleshield Pest
4 Control L.P. The license was in full force and effect at all times relevant to the charges brought
5 herein and will expire on June 30, 2012, unless renewed.

6 **Bradley D. Kendrick**

7 **Applicator License No. RA 48245**

8 7. On or about November 20, 2007, the Board issued Applicator License Number RA
9 48245 to Bradley D. Kendrick ("Respondent B. Kendrick") as an employee of Eagleshield Pest
10 Control. On or about October 23, 2008, Respondent B. Kendrick became a Partner of Eagleshield
11 Pest Control L.P. The license was canceled on November 20, 2010.

12 **Field Representative License No. FR 45047**

13 8. On or about December 22, 2009, the Board issued Field Representative's License
14 Number FR 45047 in Branch 2 to Respondent B. Kendrick as an employee of Eagleshield Pest
15 Control L.P. The license was in full force and effect at all times relevant to the charges brought
16 herein and will expire on June 30, 2012, unless renewed.

17 **Jonathan D. Kendrick**

18 **Applicator License No. RA 47150**

19 9. On or about April 9, 2007, the Board issued Applicator License Number RA 47150 to
20 Jonathan D. Kendrick ("Respondent J. Kendrick") as an employee of Eagleshield Pest Control.
21 On or about October 23, 2008, Respondent J. Kendrick became a Partner of Eagleshield Pest
22 Control L.P. The license was canceled on April 9, 2010.

23 **Field Representative's License No. FR 45029**

24 10. On or about December 14, 2009, the Board issued Field Representative's License
25 Number FR 45029 in Branch 2 to Respondent J. Kendrick as an employee of Eagleshield Pest
26 Control LP. The license was in full force and effect at all times relevant to the charges brought
27 herein and will expire on June 30, 2012, unless renewed.

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1 **Luis M. Hurtado, Jr.**

2 **Applicator License No. RA 44711**

3 11. On or about October 27, 2005, the Board issued Applicator License Number RA
4 44711 in Branches 2 and 3 to Luis M. Hurtado, Jr., ("Respondent Hurtado") as an employee of
5 Eagleshield Pest Control LP. The license was in full force and effect at all times relevant to the
6 charges brought herein. The license expired on October 27, 2011, and has not been renewed.

7 **Michael David Klann**

8 **Applicator License No. RA 44704**

9 12. On or about October 27, 2005, the Board issued Applicator License Number RA
10 44704 in Branches 2 and 3 to Michael D. Klann ("Respondent Klann") as an employee of
11 Eagleshield Pest Control. On or about October 23, 2008, Respondent Klann became a partner of
12 Eagleshield Pest Control L.P. On or about December 14, 2009, the license was downgraded to a
13 Branch 3, and placed on an inactive status due to the issuance of a Branch 2 Field Representative
14 License. The license was in full force and effect at all times relevant to the charges brought
15 herein. The license expired on October 27, 2011, and has not been renewed.

16 **Field Representative License No. FR 45031**

17 13. On or about December 14, 2009, the Board issued Field Representative's License
18 Number FR 45031 in Branch 2 to Respondent Klann as an employee of Eagleshield Pest Control
19 L.P. The license was in full force and effect at all times relevant to the charges brought herein
20 and will expire on June 30, 2012, unless renewed.

21 **Jacob S. Middleton**

22 **Applicator License No. RA 45305**

23 14. On or about March 21, 2006, the Board issued Applicator License Number RA 45305
24 in Branches 2 and 3 to Jacob S. Middleton ("Respondent Middleton") as an employee of
25 Eagleshield Pest Control. On or about October 23, 2008, Respondent Middleton became a
26 partner of Eagleshield Pest Control L.P. On or about January 20, 2010, the license was
27 downgraded to Branch 3 and placed on inactive status due to the issuance of a Branch 2 Field
28

1 Representative License. The license was in full force and effect at all times relevant to the
2 charges brought herein and will expire on March 21, 2012, unless renewed.

3 **Field Representative's License No. FR 45135**

4 15. On or about January 20, 2010, the Board issued Field Representative's License
5 Number FR 45135 in Branch 2 to Respondent Middleton as an employee of Eagleshield Pest
6 Control LP. The license was in full force and effect at all times relevant to the charges brought
7 herein and will expire on June 30, 2012, unless renewed.

8 **Jonathan P. Bertram**

9 **Applicator License No. RA 48099**

10 16. On or about October 11, 2007, the Board issued Applicator License Number RA
11 48099 in Branches 2 and 3 to Jonathan P. Bertram ("Respondent J. Bertram") as an employee of
12 Eagleshield Pest Control. The license was in full force and effect at all times relevant to the
13 charges brought herein and will expire on October 11, 2013, unless renewed.

14 **Keith W. Haney**

15 **Applicator License No. RA 48304**

16 17. On or about December 5, 2007, the Board issued Applicator License Number RA
17 48304 to Keith W. Haney as an employee of Eagleshield Pest Control, L.P. The license was
18 canceled on December 5, 2010, and has not been renewed.

19 **Timothy A. Sheppard**

20 **Applicator License No. RA 46761**

21 18. On or about December 20, 2006, the Board issued Applicator License Number RA
22 46761 to Timothy A. Sheppard as an employee of Eagleshield Pest Control, L.P. The license was
23 canceled on December 20, 2009, and has not been renewed.

24 **Troy Dwayne Sosa**

25 **Applicator License No. RA 44859**

26 19. On or about December 7, 2005, the Board issued Applicator License Number RA
27 44859 to Troy Dwayne Sosa as an employee of Eagleshield Pest Control, L.P. The license was
28 canceled December 7, 2008, and has not been renewed.

1 Jonathan L. Hale

2 Applicator License No. RA 47880

3 20. On or about August 17, 2007, the Board issued Applicator License Number RA
4 47880 to Jonathan L. Hale as an employee of Eagleshield Pest Control, L.P. The license was
5 canceled on August 17, 2010, and has not been renewed.

6 Benigno V. Cruz

7 Applicator License No. RA 47563

8 21. On or about June 20, 2007, the Board issued Applicator License Number RA 47563,
9 to Benigno V. Cruz as an employee of Eagleshield Pest Control, L.P. The license was canceled
10 on June 20, 2010, and has not been renewed.

11 STATUTORY PROVISIONS

12 22. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
13 the Board may suspend or revoke a license when it finds that the holder, while a licensee or
14 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
15 of a suspension may assess a civil penalty.

16 23. Code section 118 states, in pertinent part:

17 (b) The suspension, expiration, or forfeiture by operation of law of a license
18 issued by a board in the department, or its suspension, forfeiture, or cancellation by
19 order of the board or by order of a court of law, or its surrender without the written
20 consent of the board, shall not, during any period in which it may be renewed,
21 restored, reissued, or reinstated, deprive the board of its authority to institute or
22 continue a disciplinary proceeding against the licensee upon any ground provided by
23 law or to enter an order suspending or revoking the license or otherwise taking
24 disciplinary action against the licensee on any such ground.

25 (c) As used in this section, "board" includes an individual who is authorized by
26 any provision of this code to issue, suspend, or revoke a license, and "license"
27 includes "certificate," "registration," and "permit."

28 24. Code section 8624 states:

If the board suspends or revokes an operator's license and one or more branch
offices are registered under the name of the operator, the suspension or revocation
may be applied to each branch office.

If the operator is the qualifying manager, a partner, responsible officer, or
owner of a registered structural pest control company, the suspension or revocation
may be applied to the company registration.

1 The performance by any partnership, corporation, firm, association, or
2 registered company of any act or omission constituting a cause for disciplinary action,
3 likewise constitutes a cause for disciplinary action against any licensee who, at the
4 time the act or omission occurred, was the qualifying manager, a partner, responsible
5 officer, or owner of the partnership, corporation, firm, association, or registered
6 company whether or not he or she had knowledge of, or participated in, the prohibited
7 act or omission.

8 25. Code section 8654 states:

9 Any individual who has been denied a license for any of the reasons specified
10 in Section 8568, or who has had his or her license revoked, or whose license is under
11 suspension, or who has failed to renew his or her license while it was under
12 suspension, or who has been a member, officer, director, associate, qualifying
13 manager, or responsible managing employee of any partnership, corporation, firm, or
14 association whose application for a company registration has been denied for any of
15 the reasons specified in Section 8568, or whose company registration has been
16 revoked as a result of disciplinary action, or whose company registration is under
17 suspension, and while acting as such member, officer, director, associate, qualifying
18 manager, or responsible managing employee had knowledge of or participated in any
19 of the prohibited acts for which the license or registration was denied, suspended or
20 revoked, shall be prohibited from serving as an officer, director, associate, partner,
21 qualifying manager, or responsible managing employee of a registered company, and
22 the employment, election or association of such person by a registered company is a
23 ground for disciplinary action.

24 26. Code section 8625 states:

25 The lapsing or suspension of a license or company registration by operation of
26 law or by order or decision of the board or a court of law, or the voluntary surrender
27 of a license or company registration shall not deprive the board of jurisdiction to
28 proceed with any investigation of or action or disciplinary proceeding against such
licensee or company, or to render a decision suspending or revoking such license or
registration.

29 27. Code section 8639 states:

30 Aiding or abetting an unlicensed individual or unregistered company to evade
31 the provisions of this chapter or knowingly combining or conspiring with an
32 unlicensed individual or unregistered company, or allowing one's license or company
33 registration to be used by an unlicensed individual or unregistered company, or acting
34 as agent or partner or associate, or otherwise, of an unlicensed individual or
35 unregistered company to evade the provisions of this chapter is a ground for
36 disciplinary action.

37 28. Code section 8639 states:

38 "Misrepresentation of a material fact by the applicant in obtaining a license or company
39 registration is a ground for disciplinary action."

40 29. Code section 8641 states:

41 Failure to comply with the provisions of this chapter, or any rule or regulation
42 adopted by the board, or the furnishing of a report of inspection without the making
43 of a bona fide inspection of the premises for wood-destroying pests or organisms, or

1 furnishing a notice of work completed prior to the completion of the work specified in
2 the contract, is a ground for disciplinary action.

30. Code section 8613 states:

3 A registered company which changes the location of its principal office or any
4 branch office or which changes its qualifying manager, branch supervisor, officers, or
5 its bond or insurance shall notify the registrar in writing of such change within 30
6 days thereafter. A fee for filing such changes shall be charged in accordance with
7 Section 8674.

31. Code section 8651 states:

7 The performing or soliciting of structural pest control work, the inspecting for
8 structural or household pests, or the applying of any pesticide, chemical, or allied
9 substance for the purpose of eliminating, exterminating, controlling, or preventing
10 structural pests in branches of pest control other than those for which the operator,
11 field representative, or applicator is licensed or the company is registered is a ground
12 for disciplinary action.

32. Code section 8610(c) states:

11 Each registered company shall designate an individual or individuals who hold
12 an operator's license to act as its qualifying manager or managers. The qualifying
13 manager or managers must be licensed in each branch of pest control in which the
14 company engages in business. The designated qualifying manager or managers shall
15 supervise the daily business of the company and shall be available to supervise and
16 assist all employees of the company, in accordance with regulations which the board
17 may establish.

33. Code section 8612 states:

16 The licenses of qualifying managers and company registrations shall be
17 prominently displayed in the registered company's office, and no registration issued
18 hereunder shall authorize the company to do business except from the location for
19 which the registration was issued. Each registered company having a branch office or
20 more than one branch office shall be required to display its branch office registration
21 prominently in each branch office it maintains.

20 When a registered company opens a branch office it shall notify the registrar in
21 writing on a form prescribed by the board and issued by the registrar in accordance
22 with rules and regulations adopted by the board. The notification shall include the
23 name of the individual designated as the branch supervisor and shall be submitted
24 with the fee for a branch office prescribed by this chapter.

34. Code section 8550(e) states:

24 It is unlawful for any firm, sole proprietorship, partnership, corporation,
25 association, or other organization or combination thereof to engage or offer to engage
26 in the practice of structural pest control, unless registered in accordance with Article 6
27 (commencing with Section 8610).

35. Code section 8649 states:

27 Conviction of a crime substantially related to the qualifications, functions, and
28 duties of a structural pest control operator, field representative, applicator, or

1 registered company is a ground for disciplinary action. The certified record of
2 conviction shall be conclusive evidence thereof.

3 REGULATORY PROVISIONS

4 36. California Code of Regulations, title 16, section 1912 states:

5 A registered company that opens a branch office shall notify the board of that
6 fact within 30 days on a written form provided by the board (see form No. 43L-15 at
7 the end of this section) accompanied by the required registration fee.

8 37. California Code of Regulations, title 16, section 1918 states:

9 "Supervise" as used in Business and Professions Code Sections 8506.2, 8610
10 and 8611 means the oversight, direction, control, and inspection of the daily business
11 of the company and its employees, and the availability to observe, assist, and instruct
12 company employees, as needed to secure full compliance with all laws and
13 regulations governing structural pest control.

14 In cases of ownership of more than one registered company by the same sole
15 owner, corporation or partnership where the qualifying manager or managers cannot
16 supervise each registered company because of the location of the companies, the
17 qualifying manager or managers may designate an individual or individuals licensed
18 as an operator or as a field representative in the branch or branches of business being
19 conducted to supervise the company. This designated supervisor or supervisors must
20 be under the direct supervision of the qualifying manager or managers. Any such
21 designation of supervisors does not relieve the qualifying manager or managers of
22 responsibility to supervise as required in sections 8506.2 and 8610.

23 38. California Code of Regulations, title 16, section 1999.5 states, in pertinent part:

24 It is the purpose of this regulation to protect the public from false, misleading,
25 deceptive, or unfair representations or claims concerning structural pest control while
26 enabling the public to receive truthful and legitimate information about those
27 structural pest control products and services and the potential of these products and
28 services to reduce impact to health or the environment.

(f) Examples of direct or indirect statements or representations which are
unfair, deceptive, untrue or misleading include, but are not limited to, the following:

(6) Any statement or representation that a pest control service, product,
pesticide, or device or combination thereof offers a general environmental protection
or benefit unless the statement or representation can be substantiated within the
meaning of section 260.5 of title 16 of the Code of Federal Regulations (2008),
hereby incorporated by reference, and is limited to the specific nature of the
environmental or health benefit being asserted.

(10) Any unfair, deceptive, untrue or misleading comparison of pest control
services, methods, products, pesticides or devices.

(11) Any statement or representation that a pesticide or device is certified,
sponsored, recommended, endorsed, or approved by any agency of the Federal
Government or the State of California, including but not limited to, "tested by the
Department of the Interior," "EPA approved," "EPA registered," "approved by the
Structural Pest Control Board," or "recommended by the Structural Pest Control
Board," except that a statement or representation of this type is permissible if

specifically authorized by the Federal or State agency to which it refers.

COST RECOVERY

39. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

BACKGROUND INFORMATION

40. On or about June 20, 2010, the Board became aware that Respondent was allowing its employees and/or partners to work on their own behalf without supervision, and allowing them to engage in pest control work that they were not licensed to perform. The partners and/or employees were working and/or living throughout the state of California. The Board also discovered that there were no registered branch offices in the geographical areas where it was engaging in business.

EAGLESHIELD PEST CONTROL L.P.

FIRST CAUSE FOR DISCIPLINE

(Failure to Supervise Company Operations)

41. Respondent's company registration and Respondent Flores' operator's license are subject to discipline under Code section 8641, in that between October 23, 2008, and February 24, 2011, Respondents violated Code section 8610(c), by failing to supervise the daily operations of the company and failing to be available to supervise and assist employees, as defined in California Code of Regulations, title 16, section 1918.

SECOND CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activities)

42. Respondent's company registration and Respondent Flores' operator's license are subject to discipline under Code section 8639, in that between October 23, 2008, and February 24, 2011, Respondents aided or abetted unlicensed activities by allowing its applicators, who were either employees or partners, to perform activities that they were not licensed to perform, such as making identifications, performing inspections, submitting bids, and securing

1 pest control work. In addition, on or about July 9, 2010, Ezequiel Ramirez, an unlicensed
2 individual, submitted a bid on behalf of Eagleshield to the City of Fremont that included Branch 3
3 pest control work.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Failed to Properly Re-Register the Registration/License)**

6 43. Respondent's company registration and Respondent Flores' operator's license are
7 subject to discipline under Code section 8641, in that between July 2008 and February 2010,
8 Respondents violated Code section 8613 by failing to properly re-register Eagleshield Pest
9 Control L.P. (PR 5706) with the Board to include all its partners, branch supervisors, and/or
10 principles of the company within 30 days of such change.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Offering or Advertising to Perform Out of Classification)**

13 44. Respondent's company registration and Respondent Flores' operator's license are
14 subject to discipline under Code section 8641, in that on or about July 9, 2010, Respondents
15 violated 8550(e), by engaging in or offering to engage in Branch 3 pest control work without a
16 valid license. Specifically, Ezequiel Ramirez, an unlicensed individual, submitted a bid on behalf
17 of Eagleshield Pest Control L.P. to the City of Fremont that included Branch 3 pest control work.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(Failure to Register Branch Offices)**

20 45. Respondent's company registration and Respondent Flores' operator's license are
21 subject to discipline under Code section 8641, in that between October 23, 2008, and
22 February 24, 2010, Respondents violated Code section 8612, by failing to register its branch
23 offices with the Board within 30 days of operation or performing work from said addresses, as
24 defined in California Code of Regulations, title 16, section 1912.

25 **SIXTH CAUSE FOR DISCIPLINE**

26 **(False and Misleading Advertisement)**

27 46. Respondent's company registration and Respondent Flores' operator's license are
28 subject to discipline under Code section 8641, in that in or about 2010, Respondents violated

1 California Code of Regulations, title 16, by presenting false, misleading, unfair representations, or
2 deceptive advertisements in the following respects:

3 a. Section 1999.5, subdivision (f)(6): Respondents used Eco Friendly products.

4 b. Section 1999.5, subdivision (f)(10):

5 i. Respondents service was better than others because it had local partners or
6 independent owners when, in fact, it did not.

7 ii. Respondents had over 50 years of combined experience when, in fact, it does
8 not.

9 c. Section 1999.5, subdivision (f)(11): Respondents used only EPA certified products
10 approved by the State of California.

11 RAY GENE TEEL

12 SEVENTH CAUSE FOR DISCIPLINE

13 (Failure to Supervise Company Operations)

14 47. Respondent Teel's operator license is subject to discipline under Code section 8641,
15 in that between October 5, 2005, and October 23, 2008, while the Qualifying Manager of
16 Eagleshield Pest Control (PR 4875), Respondent Teel violated Code section 8610(c), by failing to
17 supervise the daily operations of the company and be available to supervise and assist all
18 employees of the company, as defined in California Code of Regulations, title 16, section 1918.

19 EIGHTH CAUSE FOR DISCIPLINE

20 (Aiding and Abetting Unlicensed Activity)

21 48. Respondent Teel's operator license is subject to discipline under Code section 8639,
22 in that between October 5, 2005, and October 23, 2008, while the Qualifying Manager of
23 Eagleshield Pest Control (PR 4875), Respondent Teel aided or abetted unlicensed activities by
24 allowing applicators to perform activities that they were not licensed to perform, such as making
25 identifications, performing inspections, submitting bids, and securing pest control work.

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1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Misrepresentation of a Material Fact)**

3 49. Respondent Teel's operator license is subject to discipline under Code section 8637,
4 in that on or about October 3, 2005, Respondent Teel misrepresented a material fact in his
5 application for a company registration for Eagleshield Pest Control, PR 4875, by stating that the
6 registration was a sole ownership when, in fact, it was a limited partnership.

7 **TENTH CAUSE FOR DISCIPLINE**

8 **(Failure to Register Branch Offices)**

9 50. Respondent Teel's operator license is subject to discipline under Code section 8641,
10 in that between October 5, 2005, and October 23, 2008, while the Qualifying Manager of
11 Eagleshield Pest Control (PR 4875), Respondent Teel violated Code section 8612 by failing to
12 register branch offices with the Board within 30 days of operation and/or performing work from
13 said addresses, as defined in California Code of Regulations, title 16, section 1912.

14 **BRADLEY D. NEUFELD (Partner)**

15 **Field Representative License No. FR 44699**

Applicator License No. RA 44714

16 **ELEVENTH CAUSE FOR DISCIPLINE**

17 **(Unlicensed Activity)**

18 51. Respondent B. Neufeld's field representative license and applicator license are subject
19 to discipline under Code section 8651, in that between October 27, 2005, and August 28, 2009, he
20 engaged in pest control work in a branch other than that for which he was licensed.

21 **TWELFTH CAUSE FOR DISCIPLINE**

22 **(Aiding and Abetting Unlicensed Activities)**

23 52. Respondent B. Neufeld's field representative license and applicator license are subject
24 to discipline under Code section 8639, in that between October 23, 2008, and February 24, 2011,
25 while a partner of Eagleshield Pest Control L.P., he aided or abetted unlicensed activities by
26 allowing applicators, who were either employees or partners, to perform activities that they were
27 not licensed to perform.

1 **THIRTEENTH CAUSE FOR DISCIPLINE**

2 (False and Misleading Advertisement)

3 53. Respondent B. Neufeld's field representative license and applicator license are subject
4 to discipline under Code section 8641, in that in or about 2010, he violated California Code of
5 Regulations, title 16, by presenting false, misleading, unfair representations, or deceptive
6 advertisements in the following respects:

- 7 a. Section 1999.5, subdivision (f)(6): Respondent used Eco Friendly products.
8 b. Section 1999.5, subdivision (f)(11): Respondent used only EPA certified products
9 approved by the State of California.

10 **FOURTEENTH CAUSE FOR DISCIPLINE**

11 (Failure to Register Branch Office)

12 54. Respondent B. Neufeld's field representative license and applicator license are subject
13 to discipline under Code section 8641, in that while a partner of Eagleshield Pest Control L.P., he
14 violated Code section 8612 and California Code of Regulations, title 16, section 1912, by failing
15 to register as a branch office with the Board within 30 days of that fact.

16 **BRADLEY D. KENDRICK (Partner)**

17 Field Representative License No. FR 45047

17 Applicator License No. RA 48245

18 **FIFTEENTH CAUSE FOR DISCIPLINE**

19 (Aiding and Abetting Unlicensed Activities)

20 55. Respondent B. Kendrick's field representative license and applicator license are
21 subject to discipline under Code section 8639, in that between October 23, 2008, and February
22 2011, while a partner of Eagleshield Pest Control L.P., he aided or abetted unlicensed activities
23 by allowing applicators, who were either employees or partners, to perform activities that they
24 were not licensed to perform.

25 **SIXTEENTH CAUSE FOR DISCIPLINE**

26 (Failure to Register Branch Office)

27 56. Respondent B. Kendrick's field representative and applicator license are subject to
28 discipline under Code section 8641, in that while a partner of Eagleshield Pest Control L.P., he

1 violated Code section 8612 and California Code of Regulations, title 16, section 1912, by failing
2 to register as a branch office with the Board within 30 days of that fact.

3 **SEVENTEENTH CAUSE FOR DISCIPLINE**

4 **(Conviction of a Crime)**

5 57. Respondent B. Kendrick's field representative and applicator license are subject to
6 discipline under Code section 8649, in that on or about October 6, 2011, in the case of *People v.*
7 *Bradley David Kendrick*, (Super. Ct. Tulare County, 2011, Case No. VCF248952), Respondent
8 was convicted by the Court on his plea of nolo contendere of violating five counts Penal Code
9 section 288A(B)(1) (lewd or lascivious acts with a minor), two counts of violating Penal Code
10 section 286(B)(1) (sodomy), one count of Penal Code section 288.2 (harmful matter sent with
11 intent of seduction of minor), Penal Code section 289(H) (forcible acts of sexual penetration),
12 Penal Code section 261.5(C) (rape), and Penal Code section 261(B)(C) (rape by menace or
13 duress). These crimes are substantially related to the qualifications, functions or duties of the
14 profession of a registered applicator and field representative.

15 **JONATHAN D. KENDRICK (Partner)**
16 **Field Representative License No. FR 45047**
17 **Applicator License No. RA 47150**

18 **EIGHTEENTH CAUSE FOR DISCIPLINE**

19 **(Aiding and Abetting Unlicensed Activities)**

20 58. Respondent J. Kendrick's field representative license and applicator license are
21 subject to discipline under Code section 8639, in that between October 23, 2008, and February
22 2011, while a partner of Eaglesfield Pest Control L.P., he aided or abetted unlicensed activities
23 by allowing applicators, who were either employees or partners, to perform activities that they
24 were not licensed to perform.

25 **NINETEENTH CAUSE FOR DISCIPLINE**

26 **(Failure to Register Branch Office)**

27 59. Respondent J. Kendrick's field representative and applicator license are subject to
28 discipline under Code section 8641, in that while a partner of Eaglesfield Pest Control L.P., he

1 violated Code section 8612 and California Code of Regulations, title 16, section 1912, by failing
2 to register as a branch office with the Board within 30 days of that fact.

3 **LUIS M. HURTADO, JR. (Partner)**

4 **Applicator License No. RA 44711**

5 **TWENTIETH CAUSE FOR DISCIPLINE**

6 (Unlicensed Activity)

7 60. Respondent Luis M. Hurtado's applicator license is subject to discipline under Code
8 section 8651, in that between October 27, 2005, and March 2010, he engaged in pest control work
9 in a branch other than that for which he was licensed.

10 **MICHAEL DAVID KLANN (Partner)**

11 **Field Representative License No. FR 45031**

12 **Applicator License No. RA 44704**

13 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

14 (Unlicensed Activity)

15 61. Respondent M. Klann's field representative license and applicator license are subject
16 to discipline under Code section 8651, in that between October 27, 2005, and December 14, 2009,
17 he engaged in pest control work in a branch other than that for which he was licensed.

18 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

19 (Aiding and Abetting Unlicensed Activities)

20 62. Respondent M. Klann's field representative license and applicator license are subject
21 to discipline under Code section 8639, in that between October 23, 2008, and February 2011,
22 while a partner of Eaglesfield Pest Control L.P., he aided or abetted unlicensed activities by
23 allowing applicators, who were either employees or partners, to perform activities that they were
24 not licensed to perform.

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1 **JACOB S. MIDDLETON (Partner)**

2 **Field Representative License No. FR 45135**

3 **Applicator License No. RA 45305**

4 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

5 **(Unlicensed Activity)**

6 63. Respondent Middleton's field representative license and applicator license are subject
7 to discipline under Code section 8651, in that between March 21, 2006, and January 20, 2010, he
8 engaged in pest control work in a branch other than that for which he was licensed.

9 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

10 **(Aiding and Abetting Unlicensed Activities)**

11 64. Respondent Middleton's field representative license and applicator license are subject
12 to discipline under Code section 8639, in that between October 23, 2008, and February 2011,
13 while a partner of Eagleshield Pest Control L.P., he aided or abetted unlicensed activities by
14 allowing applicators, who were either employees or partners, to perform activities that they were
15 not licensed to perform.

16 **JONATHAN P. BERTRAM (Partner)**

17 **Applicator License No. RA 48099**

18 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

19 **(Unlicensed Activity)**

20 65. Respondent J. Bertram's applicator license is subject to discipline under Code
21 section 8651, in that between October 11, 2007, and February 2011, he engaged in pest control
22 work in a branch other than that which he was licensed.

23 **PRIOR DISCIPLINE**

24 **Company Registration Certificate No. PR 5706**

25 66. On or about August 25, 2009, the company registration paid a fine in the amount of
26 \$250 levied by the San Diego County Agricultural Commissioner for violating Food and
27 Agricultural Code section 15204.

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1 **Operator's License No. OPR 11493**

2 67. On or about August 25, 2009, the operator's license paid a fine in the amount of \$250
3 levied by the San Diego County Agricultural Commissioner for violating Food and Agricultural
4 Code section 15204,

5 **OTHER MATTERS**

6 68. Code section 8620 provides, in pertinent part, that a respondent may request that a
7 civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days,
8 or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made
9 at the time of the hearing and must be noted in the proposed decision. The proposed decision
10 shall not provide that a civil penalty shall be imposed in lieu of a suspension.

11 69. Pursuant to Code section 8624, the causes for discipline established as to Company
12 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
13 constitutes cause for discipline against Operator's License Number OPR 11493, issued to Robert
14 Jesse Flores, who serves as the Qualifying Manager of Eagleshield Pest Control, L.P., regardless
15 of whether Robert Jesse Flores had knowledge of or participated in the acts or omissions which
16 constitute cause for discipline against Eagleshield Pest Control, L.P.

17 70. Pursuant to Code section 8654, if discipline is imposed on Company Registration
18 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Robert Jesse Flores,
19 who serves as the Qualifying Manager of Eagleshield Pest Control, L.P., shall be prohibited from
20 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
21 employee for any company during the time the discipline is imposed, and any company which
22 employs, elects, or associates him, shall be subject to disciplinary action.

23 71. Pursuant to section 8624 of the Code, if Operator License Number OPR 11493,
24 issued to Robert Jesse Flores, is suspended or revoked, the Board may suspend or revoke
25 Company Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P.

26 72. Pursuant to Code section 8624, the causes for discipline established as to Company
27 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
28 constitute cause for discipline against Operator's License Number OPR 11493, issued to Robert

1 Jesse Flores, who serves as the Qualifying Manager of Eagleshield Pest Control, L.P., regardless
2 of whether Robert Jesse Flores had knowledge of or participated in the acts or omissions which
3 constitute cause for discipline against Eagleshield Pest Control, L.P.

4 73. Pursuant to Code section 8624, the causes for discipline established as to Company
5 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
6 constitutes cause for discipline against Operator's License Number OPR 6278, issued to Ray
7 Gene Teel, who served as the Qualifying Manager of Eagleshield Pest Control, L.P., regardless of
8 whether Ray Gene Teel had knowledge of or participated in the acts or omissions which
9 constitute cause for discipline against Eagleshield Pest Control, L.P.

10 74. Pursuant to Code section 8654, if discipline is imposed on Company Registration
11 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Ray Gene Teel, who
12 served as the Qualifying Manager of Eagleshield Pest Control, L.P., shall be prohibited from
13 serving as an officer, director, associate, partner, qualifying manager, or responsible managing
14 employee for any company during the time the discipline is imposed, and any company which
15 employs, elects, or associates him, shall be subject to disciplinary action.

16 75. Pursuant to Code section 8624, the causes for discipline established as to Company
17 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
18 constitutes cause for discipline against Applicator License No. RA 44714 and Field
19 Representative License No. FR 44699, issued to Bradley D. Neufeld, who serves as a Partner of
20 Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated
21 in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control,
22 L.P.

23 76. Pursuant to Code section 8654, if discipline is imposed on Company Registration
24 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Bradley D. Neufeld,
25 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
26 responsible managing employee for any registered company during the time the discipline is
27 imposed, and any registered company which employs, elects, or associates him, shall be subject
28 to disciplinary action.

1 77. Pursuant to Code section 8624, the causes for discipline established as to Company
2 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
3 constitutes cause for discipline against Field Representative License No. FR 45047, issued to
4 Bradley D. Kendrick, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of
5 whether or not he had knowledge of or participated in the acts or omissions which constitute
6 cause for discipline against Eagleshield Pest Control, L.P.

7 78. Pursuant to Code section 8654, if discipline is imposed on Company Registration
8 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Bradley D. Kendrick,
9 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
10 responsible managing employee for any registered company during the time the discipline is
11 imposed, and any registered company which employs, elects, or associates him, shall be subject
12 to disciplinary action.

13 79. Pursuant to Code section 8624, the causes for discipline established as to Company
14 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
15 constitutes cause for discipline against Field Representative License No. FR 45029, issued to
16 Jonathan D. Kendrick, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of
17 whether or not he had knowledge of or participated in the acts or omissions which constitute
18 cause for discipline against Eagleshield Pest Control, L.P.

19 80. Pursuant to Code section 8654, if discipline is imposed on Company Registration
20 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Jonathan D. Kendrick,
21 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
22 responsible managing employee for any registered company during the time the discipline is
23 imposed, and any registered company which employs, elects, or associates him, shall be subject
24 to disciplinary action.

25 81. Pursuant to Code section 8624, the causes for discipline established as to Company
26 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
27 constitutes cause for discipline against Applicator License No. RA 44711, issued to Luis M.
28 Hurtado, Jr., who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or

1 not he had knowledge of or participated in the acts or omissions which constitute cause for
2 discipline against Eagleshield Pest Control, L.P.

3 82. Pursuant to Code section 8654, if discipline is imposed on Company Registration
4 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Luis M. Hurtado, Jr.
5 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
6 responsible managing employee for any registered company during the time the discipline is
7 imposed, and any registered company which employs, elects, or associates him, shall be subject
8 to disciplinary action.

9 83. Pursuant to Code section 8624, the causes for discipline established as to Company
10 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
11 constitutes cause for discipline against Applicator License No. RA 44704 and Field
12 Representative License No. FR 45031, issued to Michael David Klann, who serves as a Partner of
13 Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated
14 in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control,
15 L.P.

16 84. Pursuant to Code section 8654, if discipline is imposed on Company Registration
17 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Michael David Klann,
18 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
19 responsible managing employee for any registered company during the time the discipline is
20 imposed, and any company which employs, elects, or associates him, shall be subject to
21 disciplinary action.

22 85. Pursuant to Code section 8624, the causes for discipline established as to Company
23 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
24 constitutes cause for discipline against Applicator License No. RA 45305 and Field
25 Representative License No. FR 45135, issued to Jacob S. Middleton, who serves as a Partner of
26 Eagleshield Pest Control, L.P., regardless of whether or not he had knowledge of or participated
27 in the acts or omissions which constitute cause for discipline against Eagleshield Pest Control,
28 L.P.

1 86. Pursuant to Code section 8654, if discipline is imposed on Company Registration
2 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Jacob S. Middleton,
3 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
4 responsible managing employee for any registered company during the time the discipline is
5 imposed, and any registered company which employs, elects, or associates him, shall be subject
6 to disciplinary action.

7 87. Pursuant to Code section 8624, the causes for discipline established as to Company
8 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
9 constitutes cause for discipline against Applicator License No. RA 48099, issued to Jonathan P.
10 Bertram, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not
11 he had knowledge of or participated in the acts or omissions which constitute cause for discipline
12 against Eagleshield Pest Control, L.P.

13 88. Pursuant to Code section 8654, if discipline is imposed on Company Registration
14 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Jonathan P. Bertram,
15 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
16 responsible managing employee for any registered company during the time the discipline is
17 imposed, and any registered company which employs, elects, or associates him, shall be subject
18 to disciplinary action.

19 89. Pursuant to Code section 8624, the causes for discipline established as to Company
20 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
21 constitutes cause for discipline against Applicator License No. RA 48304, issued to Keith W.
22 Haney, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he
23 had knowledge of or participated in the acts or omissions which constitute cause for discipline
24 against Eagleshield Pest Control, L.P.

25 90. Pursuant to Code section 8654, if discipline is imposed on Company Registration
26 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Keith W. Haney, shall
27 be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
28 responsible managing employee for any registered company during the time the discipline is

1 imposed, and any registered company which employs, elects, or associates him, shall be subject
2 to disciplinary action.

3 91. Pursuant to Code section 8624, the causes for discipline established as to Company
4 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
5 constitutes cause for discipline against Applicator License No. RA 46761, issued to Timothy A.
6 Sheppard, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not
7 he had knowledge of or participated in the acts or omissions which constitute cause for discipline
8 against Eagleshield Pest Control, L.P.

9 92. Pursuant to Code section 8654, if discipline is imposed on Company Registration
10 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Timothy A. Sheppard,
11 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
12 responsible managing employee for any registered company during the time the discipline is
13 imposed, and any registered company which employs, elects, or associates him, shall be subject
14 to disciplinary action.

15 93. Pursuant to Code section 8624, the causes for discipline established as to Company
16 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
17 constitutes cause for discipline against Applicator License No. RA 44859, issued to Troy Dwayne
18 Sosa, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he
19 had knowledge of or participated in the acts or omissions which constitute cause for discipline
20 against Eagleshield Pest Control, L.P.

21 94. Pursuant to Code section 8654, if discipline is imposed on Company Registration
22 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Troy Dwayne Sosa,
23 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
24 responsible managing employee for any registered company during the time the discipline is
25 imposed, and any registered company which employs, elects, or associates him, shall be subject
26 to disciplinary action.

27 95. Pursuant to Code section 8624, the causes for discipline established as to Company
28 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise

1 constitutes cause for discipline against Applicator License No. RA 47880, issued to Jonathan L.
2 Hale, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he
3 had knowledge of or participated in the acts or omissions which constitute cause for discipline
4 against Eagleshield Pest Control, L.P.

5 96. Pursuant to Code section 8654, if discipline is imposed on Company Registration
6 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Jonathan L. Hale,
7 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
8 responsible managing employee for any registered company during the time the discipline is
9 imposed, and any registered company which employs, elects, or associates him, shall be subject
10 to disciplinary action.

11 97. Pursuant to Code section 8624, the causes for discipline established as to Company
12 Registration Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., likewise
13 constitutes cause for discipline against Applicator License No. RA 47563, issued to Benigno V.
14 Cruz, who serves as a Partner of Eagleshield Pest Control, L.P., regardless of whether or not he
15 had knowledge of or participated in the acts or omissions which constitute cause for discipline
16 against Eagleshield Pest Control, L.P.

17 98. Pursuant to Code section 8654, if discipline is imposed on Company Registration
18 Certificate Number PR 5706, issued to Eagleshield Pest Control, L.P., then Benigno V. Cruz,
19 shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or
20 responsible managing employee for any registered company during the time the discipline is
21 imposed, and any registered company which employs, elects, or associates him, shall be subject
22 to disciplinary action.

23 PRAYER

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein
25 alleged, and that following the hearing, the Structural Pest Control Board issue a decision:

26 1. Revoking or suspending Company Registration Certificate Number PR 5706,
27 issued to Eagleshield Pest Control L.P.;

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- 1 2. Revoking or suspending Operator's License Number OPR 11493, issued to Robert
2 Jesse Flores;
- 3 3. Revoking or suspending Operator's License Number OPR 6278, issued to Ray
4 Gene Teel;
- 5 4. Revoking or suspending Field Representative's License Number FR 44699, issued
6 to Bradley D. Neufeld;
- 7 5. Revoking or suspending Applicator License Number RA 44714, issued to Bradley
8 D. Neufeld;
- 9 6. Revoking or suspending Field Representative's License Number FR 45057, issued
10 to Bradley K. Kendrick;
- 11 7. Revoking or suspending Field Representative's License Number FR 45029, issued
12 to Jonathan D. Kendrick;
- 13 8. Revoking or suspending Applicator License Number RA 44711, issued to Luis M.
14 Hurtado, Jr.;
- 15 9. Revoking or suspending Field Representative's License Number FR 45031, issued
16 to Michael David Klann;
- 17 10. Revoking or suspending Applicator License Number RA 44704, issued to Michael
18 David Klann;
- 19 11. Revoking or suspending Field Representative's License Number FR 45135, issued
20 to Jacob S. Middleton;
- 21 12. Revoking or suspending Applicator License Number RA 45305, issued to Jacob S.
22 Middleton;
- 23 13. Revoking or suspending Applicator License Number RA 48099, issued to
24 Jonathan P. Bertram;
- 25 14. Revoking or suspending Applicator License Number RA 48304, issued to Keith
26 W. Haney;
- 27 15. Revoking or suspending Applicator License Number RA 46761, issued to Timothy
28 A. Sheppard;

1 16. Revoking or suspending Applicator License Number RA 44859, issued to Troy
2 Dwayne Sosa;

3 17. Revoking or suspending Applicator License Number RA 47880, issued to
4 Jonathan L. Hale;

5 18. Revoking or suspending Applicator License Number RA 47563, issued to Benigno
6 V. Cruz;

7 19. Prohibiting Robert Jesse Flores, Ray Gene Teel, Bradley D. Neufeld, Bradley D.
8 Kendrick, Jonathan D. Kendrick, Luis Hurtado Jr., Michael David Klann, Jacob Steven
9 Middleton, Jonathan P. Bertram, Keith W. Haney, Timothy A. Sheppard, Troy Dwayne Sosa,
10 Jonathan L. Hale, and Benigno v. Cruz, from serving as an officer, director, associate, partner,
11 qualifying manager or responsible managing employee of any company during the period that
12 discipline is imposed on Company Registration Certificate Number PR 5706, issued to
13 Eagleshield Pest Control, L.P.;

14 20. Ordering Robert Jesse Flores, Ray Gene Teel, Bradley D. Neufeld, Bradley D.
15 Kendrick, Jonathan D. Kendrick, Luis Hurtado Jr., Michael David Klann, Jacob Steven
16 Middleton, Jonathan P. Bertram, Keith W. Haney, Timothy A. Sheppard, Troy Dwayne Sosa,
17 Jonathan L. Hale, and Benigno v. Cruz, to pay the Structural Pest Control Board the reasonable
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions
19 Code section 125.3; and,

20 21. Taking such other and further action as deemed necessary and proper.

21 DATED: 4/23/12

William H. Douglas
William H. Douglas
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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